



भारत का राजपत्र The Gazette of India

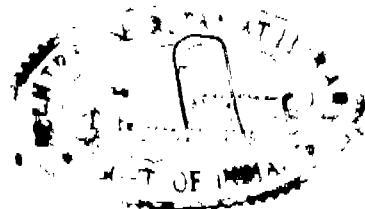
असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 21st May, 1976:—

Bill No. XXV of 1976

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1976. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In article 335 of the Constitution, the words "consistently with the maintenance of efficiency of administration" shall be omitted. Amendment of article 335.

STATEMENT OF OBJECTS AND REASONS

Many a time it is argued that the provisions of Article 335 of the Constitution are directory in character. No doubt this Article is one of the facets of Article 46, which is one of the Directive Principles of State Policy enumerated in Part IV of the Constitution. At one stage the opinion of the Attorney-General was sought and he was of the view that the provisions of Article 335 were directory and not mandatory in character. On the other hand Justice Subba Rao of the Supreme Court in one of his judgments opined that Article 335 contained a mandatory direction given to the State to take the claims of Scheduled Castes and Scheduled Tribes into consideration in the matter of making of appointments to services and posts. [(1974) 4 SCR 680].

The words "consistently with the maintenance of efficiency of administration" occurring in Article 335 the appointing authorities have been interpreted for shutting out the claims of Scheduled Castes and Scheduled Tribes candidates for appointment to services under the Government. The national policy to ensure that these classes of citizens whom the society has not given fair treatment for centuries should get justice and proper consideration has to be given effect to. In order to achieve this objective, it is necessary to amend Article 335 of the Constitution as has been suggested in this Bill.

OMPRAKASH TYAGI

S. S. BHALERAO,
Secretary-General.